## Before the **Federal Communications Commission** Washington, D.C. 20554

In the Matter of	)
COMAV, LLC	)
Petition for Unbundling of Commercial Mobile	)
Radio Service, CMRS	)
Primary Service Elements	)
and Pricing Elements	)
	)
	)

## MEMORANDUM OPINION AND ORDER

**Adopted:** July 31, 2000 Released: August 1, 2000

By the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau:

- 1. On May 13, 1996, COMAV, LLC (COMAV) filed a Petition to Unbundle Certain CMRS Services and Provide Equitable Access (Petition). In its Petition, COMAV asks the Commission, among other things, to require Bell Atlantic NYNEX Mobile (BAM) to allow COMAV to interconnect its switch with BAM's network.
- 2. On July 24, 2000, the Commission released its Fourth Report and Order in the matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services (CMRS). In that proceeding, the Commission determined that neither the Communications Act of 1934, as amended, nor Commission precedent mandates interconnection between CMRS networks and resellers' switches. The Commission further determined that it would not be in the public interest to impose such a requirement.<sup>3</sup>
- 3. Pursuant to the Resale Switch Order, BAM is not required to interconnect with COMAV's switch. Accordingly, we need not address the other arguments in the Petition, which essentially are rendered moot by the absence of an interconnection obligation.<sup>4</sup> We therefore will deny the Petition for the

<sup>&</sup>lt;sup>1</sup> In the Matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, Fourth Report and Order, FCC 00-253 (rel. July 24, 2000) (Resale Switch Order).

<sup>&</sup>lt;sup>2</sup> *See id.* at 5-6.

<sup>&</sup>lt;sup>3</sup> See id. at 10.

<sup>&</sup>lt;sup>4</sup> COMAV's other arguments, like its interconnection argument, are made with respect to other, unnamed CMRS providers in Massachusetts as well as BAM.

reasons set forth in the Resale Switch Order.<sup>5</sup>

4. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Petition filed by COMAV on May 13, 1996 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Steinberg Deputy Chief, Commercial Wireless Division Wireless Telecommunications Bureau

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<sup>&</sup>lt;sup>5</sup> See Resale Switch Order at 5-6, 10-11.